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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/693,678   | 10/24/2003  | Paul Gusmorino       | MS 307056.01<br>(MCS-067-03) | 8669             |
| 27662  | 7590        | 10/07/2005           | EXAMINER                     |                  |
| LYON & HARR, LLP<br>300 ESPLANADE DRIVE, SUITE 800<br>OXNARD, CA 93036 |             |                      | NGUYEN, PHU K                |                  |
|  |             |                      | ART UNIT                     | PAPER NUMBER     |
|  |             |                      | 2673                         |                  |
| DATE MAILED: 10/07/2005  |             |                      |                              |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/693,678

Applicant(s)

GUSMORINO ET AL.

Examiner

Phu K. Nguyen

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2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 13-20 and 23 is/are rejected.
- 7) ☒ Claim(s) 5-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
PHU K. NGUYEN  
PRIMARY EXAMINER  
GROUP 2300

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 13-20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by BLOOMFIELD (6,141,008).

As per claim 1, Bloomfield teaches the claimed “computer system having a user interface including a display with a display screen, a multiple-mode window presentation process comprising process actions for: “displaying one or more peripheral graphic user interface (GUI) elements in a first appearance mode when a window displayed on the display screen is maximized” (Bloomfield, figure 6; column 7, lines 34-40); and “displaying one or more of the peripheral GUI elements in a second appearance mode when the window is displayed with a less-than-maximized size within the display screen” (Bloomfield, figure 7), “wherein the second appearance mode is substantially different from the first appearance mode” (Bloomfield, the GUI of window 104 in figure 7 is clearly different from the GUI of window 104 in figure 8; e.g., the command bar, the scroll bars).

Claim 2 adds into claim 1 “the process action of displaying one or more peripheral GUI element in the second appearance mode, comprises displaying said one or more peripheral GUI elements so as to have an appearance designed to attract the

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attention of a user" (Bloomfield, the size bars in figure 7).

Claim 3 adds into claim 1 "the process action of displaying one or more of the peripheral graphic user interface (GUI) elements in the first appearance mode, comprises displaying said one or more peripheral GUI elements so as to have an appearance that is designed to not distract a user from the content of the window" (Bloomfield, the disappearance of the size bars in figures 6 and 8).

Claim 4 adds into claim 3 "the process action of displaying said one or more peripheral GUI elements so as to have an appearance that is designed to not distract a user from the content of the window, comprises an action of displaying said one or more peripheral GUI elements with a substantially opaque background" (Bloomfield, the peripheral GUI elements in figure 6 have a substantially opaque background).

Claim 13 adds into claim 1 "wherein said one or more peripheral GUI elements comprises a task bar displayed at an edge of the display screen" (Bloomfield, the task bar along the edge in figure 6, or the size bars at the edges of the display screen in figure 7 when the window is moved to the edges).

Claim 14 adds into claim 1 "wherein said one or more peripheral GUI elements comprises a side bar displayed at an edge of the display screen" (Bloomfield, the size

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bars at the edges of the display screen in figure 7 when the window is moved to the edges).

Claim 15 adds into claim 1 "wherein the process action of displaying said one or more peripheral GUI elements so as to have an appearance that is designed to not distract a user from the content of the window, comprises an action of displaying all the peripheral GUI elements present in the display screen so as to have an appearance that is designed to not distract a user from the content of the window" (Bloomfield, the peripheral GUI elements in figure 6 have an appearance which is not distract a user from the content of the window).

Claim 16 adds into claim 1 "wherein said less-than-maximized size corresponds to a default size that the window is automatically displayed at whenever opened and displayed on the display screen" which Applicant admits as Prior art (paragraph 0039) when refers to a default size.

Claim 17 adds into claim 1 "said less-than-maximized size corresponds to a default size that the window is automatically displayed at whenever it is restored to said less-than maximized size after being maximized" (Bloomfield, the setup of size border reduces the window to a "less-than-maximized" size; column 9, lines 32-40).

Claim 18 adds into claim 1 "the second appearance mode is substantially

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different from the first appearance mode in regard to at least of the (i) color, (ii) transparency, (iii) reflectivity, (iv) size, and (v) texture that is exhibited by said one or more peripheral GUI elements” (Bloomfield, the GUI of window 104 in figure 7 is clearly different from the GUI of window 104 in figure 8; e.g., the command bar is disappeared or the scroll bars are appeared – change in size/color).

Claim 19 claim a window presentation management system comprising a general purpose computing device (Bloomfield, system 10, figure 3) to perform the function of means in claims 2-3; therefore, it is rejected under the same reason.

Claim 20 claim a computer readable medium (Bloomfield, DRAMs 58-64) storing the computer-executable instructions for managing the presentation of window of claim 19; therefore, it is rejected under the same reason.

Claim 23 claim a computer readable medium (Bloomfield, DRAMs 58-64) storing the computer-executable instructions for managing the presentation of window of claim 1; therefore, it is rejected under the same reason.

Claims 21 and 22 are allowed.

Claims 5-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

In claim 21, the allowable feature is "said appearance being one that makes the at least one peripheral GUI element appear to have a prescribed degree of transparency so that items displayed underneath the element can be seen through the element; and wherein the de-emphasized appearance comprises a substantially opaque look and a black background color."

In claim 22, the allowable feature is "said non-distracting appearance comprises exhibiting a degree of transparency that is at least substantially reduced in comparison to said prescribed degree of transparency."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The following is a statement of reasons for the indication of allowable subject matter:

In claim 5, and its dependent claim 6, the allowable feature is "an action of displaying a background of said one or more peripheral GUI elements in a color that

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reduces the distractive effect of the elements on a user in comparison to the background color employed when displaying these same elements in said second appearance mode.”

In claim 7, and its dependent claim 8, the allowable feature is “an action of displaying a peripheral GUI element comprising lettering and/or graphic items with said lettering and/or graphic items in a color that reduces the distractive effect of the element on a user in comparison to the color employed when displaying the same lettering and/or graphic items in said second appearance mode.”

In claim 9, the allowable feature is “an action of displaying a peripheral GUI element comprising lettering and/or graphic items with said lettering and/or graphic items dimmed such that the brightness of said items is lower in comparison to the color employed when displaying the same lettering and/or graphic items in said second appearance mode.”

In claim 10, and its dependent claim 11, the allowable feature is “an action of displaying a peripheral GUI element comprising control buttons and/or indicator bars with said control buttons and/or indicator bars in a color that reduces the distractive effect of the element on a user in comparison to the color employed when displaying the same control buttons and/or indicator bars in said second appearance mode.”

In claim 12, the allowable feature is “an action of displaying just the title bar and eliminating all other portions of the frame.”



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Claims 7-11 are objected to because of the following informalities: the phrase "and/or" is indefinite. Appropriate correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, bipin Shalwala can be reached on (571) 272 7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen  
September 30, 2005

  
**PHU K. NGUYEN**  
**PRIMARY EXAMINER**  
**GROUP 2300**